

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SRI ENERGY LLC,

Plaintiff,

-v-

CLEAN ENERGY NEXUS LLC,

Defendant.

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22-CV-10431 (JMF)

ORDER

JESSE M. FURMAN, United States District Judge:

This Court's June 8, 2023 Memorandum and Order held Defendant Clean Energy Nexus LLC ("CEN") and Joaquin Altenberg, CEN's Chief Executive Officer, in contempt of Court for failure to comply with this Court's orders. *See* ECF No. 36. Altenberg has now attempted to comply with this Court's order. *See* ECF No. 36. As noted below, however, the information provided is insufficient. In light of Altenberg's attempted compliance, however, the sanctions imposed by this Court's June 8, 2023 Memorandum Opinion and Order are **hereby tolled until June 16, 2023, and will end if Altenberg complies by that date with the necessary information (as detailed below).**

Altenberg's responses provide some, but not all, of the information required to establish subject-matter jurisdiction. It is well established that limited liability companies ("LLCs") and limited partnerships are deemed to be a citizen of each state of which its members are citizens. *See, e.g., Handelsman v. Bedford Vill. Assocs. L.P.*, 213 F.3d 48, 51-52 (2d Cir. 2000); *see also Altissima Ltd. v. One Niagara LLC*, No. 08-CV-756S(M), 2010 WL 3504798, at *2 (W.D.N.Y. Sept. 2, 2010) (noting that every other Court of Appeals to have considered LLC citizenship has held that an LLC has the citizenship of all of its members). Thus, a complaint premised upon


diversity of citizenship must allege the *citizenship* of all natural persons who are members or partners of an LLC or a limited partnership and the place of incorporation and principal place of business of any corporate entities that are members of the LLC (including the citizenship of any members of the LLC that are themselves LLCs or limited partnerships). *See Handelsman*, 213 F.3d at 51-52; *see also, e.g., In re Bank of Am. Corp. Sec., Derivatives, and ERISA Litig.*, 757 F. Supp. 2d 260, 334 n.17 (S.D.N.Y. 2010).

For the avoidance of doubt: Altenberg must only respond by e-mail to Plaintiff's counsel and state his citizenship. For example, he may respond, if accurate, "I am a citizen of Puerto Rico."

No later than **June 13, 2023**, SRI shall serve a copy of this Order on CEN and Altenberg through both (1) certified mail and (2) email and file proof of such service on the docket by **June 14, 2023**.

SO ORDERED.

Dated: June 12, 2023
New York, New York



JESSE M. FURMAN
United States District Judge